



## Council Report

---

<b>Report Number:</b>	<b>PLAN2022-032</b>
<b>Meeting Date:</b>	June 21, 2022
<b>Title:</b>	<b>By-law to Deem Lot 12, Plan 276 at 125 McKelvey Road, Eldon – Bourgeois</b>
<b>Description:</b>	Deeming By-law (File: D30-2022-004)
<b>Author and Title:</b>	Ian Walker, Planning Officer – Large Developments

---

### Recommendations:

**That** Report PLAN2022-032, **By-law to Deem Lot 12, Plan 276 at 125 McKelvey Road, Eldon – Bourgeois**, be received;

**That** a Deeming By-law respecting Application D30-2022-004, geographic Township of Eldon, substantially in the form attached as Appendix "C" to Report PLAN2022-032, be approved and adopted by Council; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

Proposal:	To deem Lot 12, Registered Plan 276, geographic Township of Eldon, not to be a lot within a registered plan of subdivision, to facilitate consolidation of land and its subsequent development.
Owner/Applicant:	Daniel and Heather Bourgeois
Official Plan:	'Waterfront' with 'Lake Simcoe Source Water Protection Boundary Area' on Schedule 'A-4' of the City of Kawartha Lakes Official Plan
Zone:	'Limited Service Residential Exception One (LSR-1) Zone' on Schedule 'A' of the Township of Eldon Zoning By-law Number 94-14
Site Servicing:	Private individual services: well, septic system and swales
Existing Uses:	Vacation Single Detached Dwelling (Cottage)
Adjacent Uses:	North: Canal Lake; Vacation Single Detached Dwellings East: Vacation Single Detached Dwellings South: McKelvey Beach Road (Private Road); Agricultural West: Vacation Single Detached Dwellings

## **Rationale:**

On November 4, 2021, the Committee of Adjustment granted a Minor Variance to increase the maximum allowable size for a one-storey private detached garage (file D20-2021-064). Condition 2 of the Notice of Decision requires 'That the owner shall apply for a deeming by-law for Lot 12 of Plan 276, geographic Township of Eldon, and the by-law be in effect'. This application proposes to fulfill Condition 2 of that Decision. Thus, the owners have requested Council pass a Deeming By-law to deem Lot 12, Registered Plan 276, geographic Township of Eldon, not to be a lot within a registered plan of subdivision.

Adoption and subsequent registration of this Deeming By-law (see Appendix "C") will consolidate the lands addressed as 125 McKelvey Road, as shown on Appendices 'A' and 'B'.

## **Other Alternatives Considered:**

There are no other alternatives considered to be appropriate or represent good planning. The Deeming By-law is the appropriate method to legally consolidate the subject lands.

## **Alignment to Strategic Priorities**

The Council Adopted Strategic Plan identifies these Strategic Priorities:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

This application aligns with the Strategic Priorities of “An Exceptional Quality of Life” and “Good Government” as providing the applicant the opportunity to consolidate their lots, they are offered a larger building envelope for a dwelling.

## **Financial/Operation Impacts:**

The cost of registering the By-law is included in the application fee. There are no financial implications for the City.

## **Recommendations:**

Staff have reviewed the application and believe that it represents good planning. As such, Staff respectfully recommends that Council approve the application.

## **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email or call Ian Walker, Planning Officer – Large Developments, [iwalker@kawarthalakes.ca](mailto:iwalker@kawarthalakes.ca) or (705) 324-9411 extension 1368.

Appendix A – Location Map



PLAN2022-032  
Appendix A.pdf

## Appendix B – Aerial Photo



PLAN2022-032  
Appendix B.pdf

## Appendix C – Draft Deeming By-law



PLAN2022-032  
Appendix C.pdf

## Appendix D – Survey of Lot 12



PLAN2022-032  
Appendix D.pdf

**Department Head email:** [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)

**Department Head:** Richard Holy, Director of Development Services

**Department File:** D30-2022-004